

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action dated September 28, 2005. Claims 1-23 are still pending. Claims 18-20 and 23 are allowed. Claims 1-4, 8-10, 14-17, 21 and 22 are rejected. Claims 5-7 and 11-13 are objected to as being dependent upon a rejected base claim. Applicant has amended Claims 1, 9 and 18. Applicant submits that no new matter was added by these amendments. For the reasons provided below, Applicant submits that the pending claims are allowable over the cited references. Therefore, Applicant respectfully requests reconsideration and favorable action in this case.

Claim Rejections – 35 U.S.C. § 102

Claims 1-4, 9, 10, 15, 21 and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,236,320 (“*Russ*”). Applicant respectfully submits that *Russ* fails to teach each and every limitation of the claimed invention, and thus, Applicant respectfully traverses these rejections and the assertions and holdings therein.

For example, Claim 1 recites, “lowering a downhole device having a fluid agitator via a well bore into fluid of a subsurface cavity formed in a subterranean zone, the subsurface cavity having a transverse dimension greater than a transverse dimension of the well bore.” In particular, the fluid agitator is lowered into “a subsurface cavity formed in a subterranean zone.” In contrast, *Russ* teaches lowering a reamer apparatus into a well bore and then expanding the well bore. In particular, the cutters 28 “contact the walls of the well bore in such a manner that a substantial length of the well bore may be enlarged.” 2:14-16. Therefore, *Russ* fails to teach or suggest “lowering a downhole device having a fluid agitator via a well bore into fluid of a subsurface cavity formed in a subterranean zone.” Accordingly, Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents.

Independent Claims 9 recites limitations that are similar, although not identical, to the limitation of Claim 1 discussed above. Therefore, Claim 9 and its dependents are allowable for reasons analogous to those discussed above in connection with Claim 1.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 9 and 15-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,662,486 (“*Hillger*”) in view of *Russ*. Claims 1-4, 8-10 and 14-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,378,069 (“*Fields*”) in view of *Russ*. As discussed above, *Russ* fails to teach or suggest “lowering a downhole device having a fluid agitator via a well bore into fluid of a subsurface cavity formed in a subterranean zone.” The Office Action fails to cite any teaching or suggestion in *Hillger* or *Fields* of the missing elements discussed above. Therefore, Claims 1-4, 8-10 and 14-17 are allowable at least because they depend from one of allowable Claims 1 and 8. Thus, Applicants respectfully request that these rejections be withdrawn.

Allowable Subject Matter

Applicant notes and appreciates the Examiner's indication that Claims 18-20 and 23 are allowed.

Claims 5-7 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 5-7 and 11-13 depend from one of allowable Claims 1 and 9. Accordingly, Applicant has not amended Claims 5-7 and 11-13 at this time.

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Serial No. : 10/687,362
Filed : October 14, 2003
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Attorney's Docket No.: 17601-005003 /
BB 067083.0283

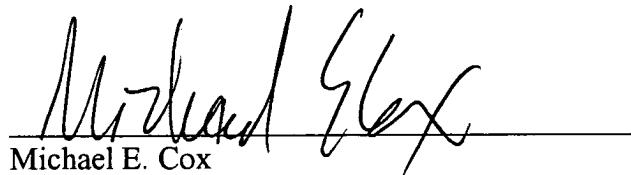
CONCLUSION

For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully submits that the Application is in condition for allowance.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further requests that the Examiner contact the undersigned attorney to schedule the telephone conference.

No fees are believed to be due. Please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,



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Date: December 28, 2005

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